

REMARKS

Claims 1-8 are the claims currently pending in the Application.

The Examiner requested that in the Specification, the cross-reference to a related application be shown. The Specification is amended.

Formal Matters

The Examiner is respectfully requested to acknowledge the claim for foreign priority and the receipt of the priority document.

Applicant thanks the Examiner for reviewing and considering the references cited in the Information Disclosure Statement filed April 5, 2001.

Rejection of Claims 1 and 6-8 under 35 U.S.C. § 112, Second Paragraph

Claims 1 and 6-8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is traversed.

Applicant respectfully submits that the grounds for the rejection of claims 1 and 7 amount to no more than an objection and are not required by statute. However, claims 1 and 7 are amended to expedite prosecution thereof.

With respect to the Examiner's assertion that claims 6 and 8 provide no antecedent basis for the term "the Results Archives", Applicant respectfully submits that the term does have proper antecedent basis (see, line 3 of claim 6 and line 5 of claim 8).

Rejection of Claims 1-8 under 35 U.S.C. § 103

Claims 1-8 are rejected under 35 U.S.C. § 103 as being obvious from Primak et al., U.S. Patent No. 6,389,448, in view of Arnold et al., U.S. Patent No. 6,446,070. This rejection is traversed.

According to an aspect of Applicant's claimed invention a look up finder for load balancers is used to search for dynamically available load balancers, and a look up finder for compute servers is used to search for compute servers. The prior art cited, including Primak and Arnold, does not anticipate nor render obvious Applicant's claimed invention. By way of example, independent claims 1, 5 and 7 require searching for a Load Balancer using the Load Balancer Lookup Finder, and searching for available Compute Servers using the Compute Server Lookup Finder.

Primak discloses a system for load balancing in which servers communicate their relative abilities to respond to client request (Primak, Abstract). In particular, Primak discloses that an agent records the servers' availability information in a memory based on the servers' availability information, such as the servers' internal conditions which affect the servers ability, including CPU capacity, CPU load, number of concurrent processes or tasks being performed, a number of existing connections, internal temperature, and power consumption (Primak, col. 4, lines 7-33); that each server is assigned a sub-range of SYN packet numbers, each SYN packet representing a client request to a server (Primak, col. 3, lines 49-65); that the size of the sub-range of SYN packet numbers is adjusted based on a server's availability (Primak, col. 5, line 4-20); and that the load balancing module 12 is preferably a software module resident in each server 10 (Primak, col. 3, lines 49-52). Further, Primak discloses a multi-router topology, in which some of the servers are

connected to more than one router, thus providing overlapping server coverage (Primak, col. 5, lines 50-65).

Primak does not disclose or suggest searching for a load balancer using a load balancer lookup finder. The Examiner cites Primak col. 3, lines 49-col. 4, line 6 and alleges that Primak discloses the cited feature. Primak is silent about how the load balancer is selected for the packet. The cited passage discloses that a pseudo-random number is assigned to each SYN packet received by a load balancing module 12, and as discussed above, this number assigned to the SYN packet is then used to assign the client service request to one of the servers. That is, Primak discloses that the load balancing module 12 resident in each server 10 evaluates the SYN packet received by the server, such that the evaluation process involves calculating the pseudo-random number assigned for the SYN packet and determining availability of the server. (Primak, col. 3, lines 49-54).

Primak does not disclose or suggest a load balancer lookup finder. Further, since Primak does not disclose or suggest a load balancer lookup finder, Primak is incapable of disclosing or suggesting searching for a load balancer using the load balancer lookup finder. Moreover, Primak does not disclose or suggest searching for a load balancer using the load balancer lookup finder and searching for available Compute Servers using the Compute Server Lookup Finder, as *inter alia*, required by independent claims 1, 5 and 7. Therefore, Primak does not disclose or suggest the recitations of independent claims 1, 5 and 7.

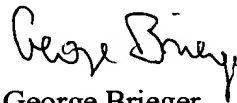
Arnold does not remedy the deficiencies of Primak as they relate to Applicant's invention as claimed in the independent claims. Arnold discloses a dynamic distributed computing method using homogeneous execution environment operating within heterogeneous client-server network (Arnold, Abstract). Arnold discloses that initially a

client select a server from the network to process a task and that the server invokes a generic compute method capable of processing all types of compute tasks or subtypes of the compute tasks. (Arnold, col. 1 line 61-col. 2 line 22). Arnold does not disclose or suggest a lookup finder for load balancers, nor searching for a load balancer using the load balancer look-up finder. Thus, Primak and Arnold, even taken together in combination, do not disclose or suggest the recitation of independent claims 1, 5 and 7.

Claims 2-4 depend from independent claim 1, claim 6 depends from independent claims 5, and claim 8 depends from independent claim 7. Therefore, claims 2-4, 6 and 8 incorporate novel and nonobvious features of their respective base claims, and are patentably distinguishable over the prior art for at least the reasons that their respective base claims are patentably distinguishable over the prior art.

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable and respectfully requests that the Examiner reconsider the rejections and allow the Application. Should the Examiner have any questions regarding this Amendment or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



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